



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBs0483/2  
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**ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 2005 ASSEMBLY BILL 680**

January 26, 2006 – Offered by Representative STASKUNAS.

1     **AN ACT** *to renumber and amend* 814.62 (3) (a); *to amend* 799.01 (1) (c), 799.01  
2           (1) (d) (intro.), 799.01 (2), 802.04 (1), 814.85 (1) (a), 814.85 (1) (b), 814.85 (1) (c)  
3           and 814.85 (2); and *to create* 799.01 (1) (e), 814.62 (3) (a) 2. and 814.85 (1) (bg)  
4           of the statutes; **relating to:** the jurisdictional amount in small claims actions,  
5           the court support services surcharge, circuit court filing fees, and making an  
6           appropriation.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

7           **SECTION 1.** 799.01 (1) (c) of the statutes is amended to read:  
8           799.01 (1) (c) *Replevins.* Actions for replevin under ss. 810.01 to 810.13 where  
9           the value of the property claimed does not exceed ~~\$5,000~~ \$7,500.

10          **SECTION 2.** 799.01 (1) (d) (intro.) of the statutes is amended to read:  
11          799.01 (1) (d) *Other civil actions.* (intro.) Other civil actions where the amount  
12          claimed is ~~\$5,000~~ \$7,500 or less, if the actions or proceedings are:

1           **SECTION 3.** 799.01 (1) (e) of the statutes is created to read:

2           799.01 (1) (e) *Negligence claims.* Notwithstanding par. (d), civil actions arising  
3 out of a claim based on negligence where the amount claimed is \$5,000 or less.

4           **SECTION 4.** 799.01 (2) of the statutes is amended to read:

5           799.01 (2) PERMISSIVE USE OF SMALL CLAIMS PROCEDURE. A taxing authority may  
6 use the procedure in this chapter in an action to recover a tax from a person liable  
7 for that tax where the amount claimed, including interest and penalties, is \$5,000  
8 \$7,500 or less. This chapter is not the exclusive procedure for those actions.

9           **SECTION 5.** 802.04 (1) of the statutes is amended to read:

10          802.04 (1) CAPTION. Every pleading shall contain a caption setting forth the  
11 name of the court, the venue, the title of the action, the file number, and a designation  
12 as in s. 802.01 (1). If a pleading contains motions, or an answer or reply contains  
13 cross-claims or counterclaims, the designation in the caption shall state their  
14 existence. In the complaint the caption of the action shall include the standardized  
15 description of the case classification type and associated code number as approved  
16 by the director of state courts, and the title of the action shall include the names and  
17 addresses of all the parties, indicating the representative capacity, if any, in which  
18 they sue or are sued and, in actions by or against a corporation, the corporate  
19 existence and its domestic or foreign status shall be indicated. In pleadings other  
20 than the complaint, it is sufficient to state the name of the first party on each side  
21 with an appropriate indication of other parties. Every pleading commencing an  
22 action under s. 814.61 (1) (a) or 814.62 (1) or (2) and every complaint filed under s.  
23 814.61 (3) shall contain in the caption, if the action includes a claim for a money  
24 judgment, a statement of whether the amount claimed is greater than the amount  
25 under s. 799.01 (1) (d) or, if the claim is based on negligence, s. 799.01 (1) (e).

1           **SECTION 6.** 814.62 (3) (a) of the statutes is renumbered 814.62 (3) (a) 1. and  
2 amended to read:

3           814.62 **(3)** (a) 1. In a small claims action under ch. 799 where the amount of the  
4 claim is \$5,000 or less, at the time of issuance of a summons or other process in a  
5 proceeding not commenced by a summons, the plaintiff shall pay to the clerk of court  
6 a fee of \$22.

7           **SECTION 7.** 814.62 (3) (a) 2. of the statutes is created to read:

8           814.62 **(3)** (a) 2. In a small claims action under ch. 799 where the amount of the  
9 claim is more than \$5,000, at the time of issuance of a summons or other process in  
10 a proceeding not commenced by a summons, the plaintiff shall pay to the clerk of  
11 court a fee of \$75. Of the fees received by the clerk under this subdivision, the county  
12 treasurer shall pay \$45 to the secretary of administration for deposit into the general  
13 fund and shall retain the balance for the use of the county. The secretary of  
14 administration shall credit \$15 of the \$45 to the appropriation under s. 20.680 (2) (j).

15           **SECTION 8.** 814.85 (1) (a) of the statutes is amended to read:

16           814.85 **(1)** (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2.,  
17 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the  
18 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the  
19 time of the violation, or for a safety belt use violation under s. 347.48 (2m), the clerk  
20 of circuit court shall charge and collect a ~~\$68~~ \$77 court support services surcharge  
21 from any person, including any governmental unit as defined in s. 108.02 (17), paying  
22 a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

23           **SECTION 9.** 814.85 (1) (b) of the statutes is amended to read:

24           814.85 **(1)** (b) Notwithstanding par. (a), the clerk of circuit court shall charge  
25 and collect a ~~\$169~~ \$190 court support services surcharge from any person, including

1 any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1)  
2 (a) or (3) or 814.62 (1) or (2), if the party paying the fee seeks the recovery of money  
3 and the amount claimed exceeds the amount under s. 799.01 (1) (d) or, if the claim  
4 is based on negligence, s. 799.01 (1) (e).

5 **SECTION 10.** 814.85 (1) (bg) of the statutes is created to read:

6 814.85 (1) (bg) Notwithstanding par. (a), the clerk of circuit court shall charge  
7 and collect a \$190 court support services surcharge from any person, including any  
8 governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a)  
9 or (3) or 814.62 (1) or (2), if the party paying the fee seeks the recovery of money and  
10 the amount claimed exceeds \$5,000 but is less than or equal to the amount under s.  
11 799.01 (1) (d).

12 **SECTION 11.** 814.85 (1) (c) of the statutes is amended to read:

13 814.85 (1) (c) Notwithstanding par. (a), the clerk of circuit court shall charge  
14 and collect a ~~\$51~~ \$58 court support services surcharge from any person, including  
15 any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.62 (3)  
16 (a) or (b), or paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2) if the party  
17 paying the fee seeks the recovery of money and the amount claimed is equal to or less  
18 than the amount under s. 799.01 (1) (d) or, if the claim is based on negligence, s.  
19 799.01 (1) (e).

20 **SECTION 12.** 814.85 (2) of the statutes is amended to read:

21 814.85 (2) The clerk shall pay the moneys collected under sub. (1) to the county  
22 treasurer under s. 59.40 (2) (m). The county treasurer shall pay ~~those~~ the moneys  
23 to the secretary of administration under s. 59.25 (3) (p) and shall pay 50 percent of  
24 the moneys collected under sub. (1) (bg) to the secretary of administration under s.  
25 59.25 (3) (p), and retain the balance for the use of the county.

